

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10991-NG

KENNETH M. WHITE and )  
MANDY DIAS )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
ERIC MADONNA and CITY OF )  
FALL RIVER, )  
 )  
Defendants )

FILED  
DISTRICT COURT  
DISTRICT OF MASS.  
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**JOINT STATEMENT OF THE PARTIES**

Pursuant to Fed.R.Civ.P 16(b), 26(f) and Local Rule 16.1, the parties have conferred with respect to their respective positions and a discovery plan, and state as follows:

**I. POSITION OF THE PARTIES**

**A. Plaintiffs' Position**

Plaintiffs Kenneth M. White and Mandy Dias bring this suit against defendants Eric Madonna and the City of Fall River, Massachusetts, alleging violation of their Constitutional rights, pursuant to 42 U.S.C. §1983 (Counts I and VI). Further, plaintiffs Kenneth M. White and Mandy Dias assert intentional tort claims against defendant Eric Madonna for assault and battery (Count II), false arrest and imprisonment (Count III), malicious prosecution (Count IV), and intentional infliction of emotional distress (Count V).

**B. Defendants' Position**

The defendants deny any wrongdoing and contend that the plaintiffs were arrested for intentionally interfering with police officers engaged in making lawful arrests of third parties.

**II. PROPOSED DISCOVERY SCHEDULE**

The parties propose that discovery should be conducted in fact and expert phases.

The parties have agreed to and propose the following schedule for litigation events:

1. Filing of Motions to Amend ..... August 21, 2004
2. Completion of Fact Discovery and Depositions ..... April 1, 2005
3. Plaintiffs' Disclosure of Experts ..... April 15, 2005
4. Defendants' Disclosure of Experts ..... June 15, 2005
5. Completion of Expert Depositions ..... August 15, 2005
6. Deadline for Filing Dispositive Motions ..... October 1, 2005
7. Pre-Trial Conference ..... December 1, 2005

**III. CERTIFICATION OF COUNSEL**

Pursuant to Local Rule 16.1(D)(3), defendants' counsel's Certification affirming that he has considered a budget for the costs of litigation, alternatives to litigation, and alternative dispute resolution is attached. Counsel for each plaintiff will submit executed certifications shortly.

**IV. SETTLEMENT DEMAND**

Pursuant to Local Rule 16.1(c), plaintiff Kenneth M. White served a written settlement proposal upon defendant's counsel on July 1, 2004. Plaintiff Mandy Dias will serve a written settlement proposal upon defendant's counsel shortly. Defendants' counsel

will have conferred with defendants on the subject of settlement before the Scheduling Conference and will be prepared to respond to plaintiff's settlement proposal at the Scheduling Conference.


**V. TRIAL BY MAGISTRATE**

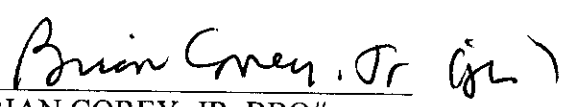
Plaintiffs do not consent to trial by Magistrate. Defendants consent to trial by Magistrate.

Plaintiff Kenneth M. White,  
By His Attorneys,

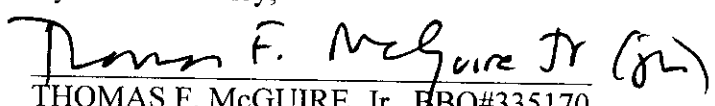
Plaintiff Mandy Dias,  
By Her Attorney,

BEAUREGARD, BURKE & FRANCO

  
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Defendants Eric Madonna, and  
City of Fall River,  
By Their Attorney,

  
THOMAS F. MCGUIRE, Jr. BBO#335170  
Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, MA 02722  
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Dated: July 13, 2004